

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #5	CCRB Case #: 201802730	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/06/2018 1:51 PM	Location of Incident: § 87(2)(b)	Precinct: 107	18 Mo. SOL 10/6/2019	EO SOL 10/6/2019	
Date/Time CV Reported Mon, 04/09/2018 2:20 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/09/2018 2:20 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Eric Link	04713	960810	107 PCT
2. POM Christopher Ryan	20450	945303	HARBOR

Officer(s)	Allegation	Investigator Recommendation
A.POM Eric Link	Abuse: Police Officer Eric Link stopped § 87(2)(b)	§ 87(2)(b)
B.POM Christopher Ryan	Abuse: Police Officer Christopher Ryan stopped § 87(2)(b)	§ 87(2)(b)
C.POM Christopher Ryan	Abuse: Police Officer Christopher Ryan frisked § 87(2)(b)	§ 87(2)(b)
D.POM Christopher Ryan	Abuse: Police Officer Christopher Ryan searched § 87(2)(b)	§ 87(2)(b)
E.POM Christopher Ryan	Abuse: Police Officer Christopher Ryan threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

This complaint was filed by § 87(2)(b) on April 9, 2018 with the CCRB by phone.

On April 6, 2018, at approximately 1:51 p.m., § 87(2)(b) was at a check cashing store at 71-04 Kissena Boulevard in Queens. § 87(2)(b) reportedly became involved in a dispute with an employee of the business. PO Christopher Ryan and PO Eric Link of the 107th Precinct responded to the location. PO Ryan and PO Link stopped § 87(2)(b) (**Allegations A-B: Abuse of Authority, § 87(2)(g)** PO Ryan frisked § 87(2)(b) (**Allegation C: Abuse of Authority: § 87(2)(g)** PO Ryan searched § 87(2)(b) (**Allegation D: Abuse of Authority: § 87(2)(g)** PO Ryan threatened to remove § 87(2)(b) to the hospital (**Allegation E: Abuse of Authority: § 87(2)(g)**

Video footage was obtained which captures a portion of the incident, however it does not show whether the alleged misconduct occurred (BR01-02).

This complaint was originally assigned to Inv. Gabriella Carpenter and was reassigned to Inv. Vasquez on May 29, 2018, following Inv. Carpenter's departure from the Agency.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Eric Link stopped § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Christopher Ryan stopped § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Christopher Ryan frisked § 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Christopher Ryan searched § 87(2)(b)

§ 87(2)(b) testified that she went to a check cashing store and became involved in a dispute with an employee of the business (BR03). § 87(2)(b) called the police because the mother of one of the employee's pepper sprayed her. PO Link and PO Ryan arrived, spoke with § 87(2)(b) generated a complaint report, and left. PO Link and PO Ryan came back. PO Ryan approached § 87(2)(b) and told her that he had to search her because they heard she had pepper spray or a knife. § 87(2)(b) told PO Ryan that she did not give him permission to do this. PO Ryan responded that she gave him consent. PO Ryan pulled the left side of § 87(2)(b)'s coat so that it fell off of her shoulder and was not flush against her body and squeezed the pockets on that side of her coat.

A call was received from § 87(2)(b) who explained that she is a neighbor of § 87(2)(b)'s and witnessed a portion of the incident. § 87(2)(b) was approached by two officers who told her that they had to search her. § 87(2)(b) told the officers she did not want to be searched. One of the officers squeezed the pockets of § 87(2)(b)'s jacket, which she was not wearing. Rather, § 87(2)(b) had her jacket hanging off her arm. § 87(2)(b) walked away before the interaction had concluded (BR04).

The recording of the 911 call made by an employee of the check cashing business, § 87(2)(b) was obtained by the investigation (BR05-06). The caller reported that a woman named § 87(2)(b) threatened the caller with pepper spray and was waiting with a lot of people for her to get off work.

PO Ryan and PO Link provided the following generally consistent testimony (BR07-08). They initially responded to the location in response to a call that two women had pepper sprayed each other. They arrived, spoke with § 87(2)(b) and were unable to locate the person who § 87(2)(b) alleged pepper sprayed her. They left and returned after receiving a call from an employee of the check cashing store who stated that § 87(2)(b) was threatening her. They arrived at the location and the employee informed them that § 87(2)(b) entered the check cashing store, displayed pepper spray, threatened to pepper spray her, and said that she would be waiting for her to get off work. The officers approached § 87(2)(b) and told her that they had been informed she had pepper spray. § 87(2)(b) made a statement to the effect of “Go ahead and search me,” opened her jacket, and lifted her shirt. PO Ryan did not tell § 87(2)(b) that they had to search her. PO Ryan frisked the exterior pockets of § 87(2)(b) s jacket pockets. No pepper spray was found. Both officers denied searching § 87(2)(b) or opening her jacket.

PO Ryan testified that he suspected § 87(2)(b) may have had pepper spray because of the information from the store employee, information from the first job which stated two women were pepper spraying each other, and for no other reason.

PO Ryan prepared a UF250 report which reflected § 87(2)(b) was frisked after being informed she had displayed pepper spray and was threatening a civilian. The report reflects no search was conducted and that § 87(2)(b) stated, “You wanna search me, go ahead a[nd] fucking search me” (BR15).

A stop may be conducted when an officer possesses reasonable suspicion that a person has committed, is committing, or is about to commit a crime: NYPD Patrol Guide Procedure 212-11; People v. De Bour, 40 N.Y.2d 210 (1976) (BR09-10). A frisk may be conducted when an officer reasonably suspects that a person is armed with an instrument or substance readily capable of causing serious physical injury. Reasonable suspicion may be provided by a report from a citizen informant. Where such report indicates that a person has used the weapon to menace or threaten, then personal and public safety may mandate a more intensive police intrusion. A search occurs when an officer places his hands inside a pocket or other interior portion of a person’s clothing. A search may be conducted when a frisk reveals an object which an officer reasonably suspects is a weapon or dangerous instrument. An officer may request consent to search a person when they are stopped.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation E – Abuse of Authority: Police Officer Christopher Ryan threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) testified that after she was frisked and searched, PO Ryan told her the next time she went to the check cashing store she would be taken to the hospital.

PO Ryan testified that he told § 87(2)(b) that if she went back to the check cashing store he would have her sent to the hospital for intoxication. PO Ryan suspected § 87(2)(b) was intoxicated because she smelled of alcohol, had watery eyes, and was loud and agitated when speaking with the officers. PO Ryan explained that because § 87(2)(b) was intoxicated in public and was causing a scene and being a nuisance, he could request for EMS to evaluate her and send her to the hospital to sober up. PO Ryan did not call EMS to evaluate § 87(2)(b) because he believed it was likely to cause a fight with § 87(2)(b) and he just wanted her to leave the area to calm down. PO Ryan did not believe § 87(2)(b) was an emotionally disturbed person.

PO Ryan generated an AIDED report regarding the medical treatment requested for § 87(2)(b) during the first part of the incident when she alleged she was pepper sprayed. This document does not note any suspected alcohol or narcotic use (BR11).

PO Link did not recall PO Ryan saying anything about having § 87(2)(b) taken to the hospital. PO Link testified that § 87(2)(b) was loud and yelling during the incident but that she was always like that in his prior interactions with her. PO Link did not report that § 87(2)(b) was intoxicated.

An emotionally disturbed person (EDP) is someone who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. An EDP may be taken into protective custody when she is conducting herself in a manner likely to result in serious injury to herself or others, NYPD Patrol Guide, Procedure 221-13 (BR12).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Ryan has been a member of the service for ten years, has no prior substantiated allegations, § 87(2)(g)

- PO Link has been a member of the service for two years and this is his first complaint.

Mediation, Civil and Criminal Histories

- This complaint was suitable for mediation and it was offered to § 87(2)(b) over the phone and during her interview. § 87(2)(b) chose to have her complaint investigated.
- The NYC Comptroller's Office responded to a request indicating that no notice of claim has been filed regarding this incident as of July 6, 2018 (BR16).
- § 87(2)(b)

Squad No.: 5

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____